

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tanzillo et al.
Serial No.: 10/726,023
For: Enterprise Risk Assessment Manager System
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APPEAL BRIEF FILED UNDER 35 U.S.C. §134

Dear Sir:

Further to the Notice of Appeal filed on January 22, 2007, this Appeal Brief is filed under 35 U.S.C. §134(a). The claims on appeal are set forth in the attached Claims Appendix.

I. Real Party in Interest

The real party in interest is Dun & Bradstreet, Inc. Ownership of the above-cited patent application is established by an assignment document for the application recorded on August 16, 2004, on Reel 015681, Frame 0758.

II. Related Appeals and Interferences

No other appeals, interferences, or judicial proceedings are known to Appellants, Appellants' attorney or the assignee of the application (Dun & Bradstreet, Inc.) that will directly affect, be directly affected by, or have any bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1 through 24 stand rejected and are subject to appeal. The final Office Action, mailed October 20, 2006 (Office Action) rejected claims 1 through 7, 11, 13 through 21, and 23 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,405,181 to Lent. The Office Action also rejected claims 8 through 10 under 35 U.S.C. §103(a) as being unpatentable over Lent; and claims 12, 22, and 24 under 35 U.S.C. §103(a) as being unpatentable over Lent in view of U.S. Patent No. 6,847,942 to Land.

IV. Status of Amendments

No amendments were filed in response to the Office Action. The arguments on appeal are based upon the pending claims as set forth in the attached Claims Appendix.

V. Summary of Claimed Subject Matter

The claimed invention includes an enterprise risk assessment manager system. The system includes a user interface, *see e.g.*, page 7, paragraph [0031], a risk assessment manager, a data integration component, *see e.g.*, pages 7-8, paragraph [0032], and a corporate linkage component *see e.g.*, page 11, paragraph [0040]. The user interface allows a user to input data such as customer account information, which is then stored in a customer account database. The user interface also receives requests from the user, and the risk assessment manager provides application functions, services, and analysis based on the requests made by a user. A data integration component and a corporate linkage component provide access to

further information, which allows the risk assessment manager to determine a total risk exposure for a portfolio of customer accounts. *See* pages 9-10, paragraphs [0039]-[0040].

The claimed invention also includes a risk assessment manager system including portfolio analysis and common decisioning components. The portfolio analysis component examines a number of accounts and determines a risk level based on policies or rules established by customers. The common decisioning component utilizes the rules established by a user to decide whether to extend credit to a given entity. *See* page 9, paragraph [0035].

The claimed invention also includes a machine-readable medium having instructions stored in the medium for performing a method of assessing risk. The method includes the steps of: receiving customer account information; creating a portfolio based on said customer account information by applying at least one step selected from the group consisting of: entity matching, applying unique corporate identifiers, applying corporate linkage information, and applying predictive indicators; providing a customer base analysis of said portfolio; providing a risk score for at least one customer in said portfolio; and providing an account profile for said at least one customer. *See* page 4, paragraph [0011].

VI. Grounds of Rejection to be Reviewed on Appeal

The issues to be reviewed on appeal are whether claim 1 through 7, 11, 13 through 21, and 23 are anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 6,405,181 to Lent; whether claims 8 through 10 are obvious under 35 U.S.C. §103(a) in view of Lent; and whether claims 12, 22, and 24 are obvious under 35 U.S.C. §103(a) in view of Lent and U.S. Patent No. 6,847,942 to Land.

VII. Argument

A. Rejections under 35 U.S.C. §102(b) based on U.S. Patent No. 6,405,181 to Lent

A claim is anticipated only if each and every element of the claim is found, either expressly or inherently described, in a single prior art reference. *See Verdegaal Bros. v.*

Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). To satisfy the requirements of anticipation under 35 U.S.C. §102, every limitation of a claim must identically appear in a single prior art reference. *See Gechter v. Davidson*, 116 F.3d 1454, 1457, 43 USPQ2d 1030, 1032 (Fed. Cir. 1997). In addition, the identical invention must be shown in as complete detail as is contained in the claim. *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

i. Claims 1 through 4

Claims 1 through 4 are rejected under 35 U.S.C. §102(b) as being anticipated by Lent. The rejection is improper because Lent fails to disclose or suggest each element of the invention recited in independent claim 1. Claims 1 through 4 stand or fall together.

a. Lent fails to disclose or suggest a user interface to receive requests and customer account information.

Lent discloses a system and method for providing real time approval of credit over a network. The method includes prompting an applicant for data, such as an applicant's name, address, and social security number (col. 3 lines 55-67). The data obtained from the applicant is parsed into the exact format needed to directly access credit bureau data. The applicant is then given an opportunity to view how the submitted data has been parsed and to make corrections, if necessary (col. 4, lines 1-5). The parsed data is then validated and sent to the credit bureaus (col. 4, lines 20-22). Data is then received from the credit bureaus and a decision is made based on that data as to whether an offer of credit should be extended to the applicant (col. 4, lines 23-29).

Lent fails to disclose or suggest a system for accessing risk that includes a user interface to receive requests and customer account information. Lent discloses an application engine that creates a credit application by communicating with an applicant using common Internet protocols (col. 3, lines 57-60). The system of Lent allows an applicant to enter and correct basic information such as name, address, and social security number. However, the system of Lent does not disclose or suggest a user interface that receives requests from the user in addition to the basic information entered by the user.

- b. Lent fails to disclose or suggest a risk assessment manager that provides application functions, services, and portfolio analysis based on requests from a user.**

Additionally, Lent fails to disclose or suggest a risk assessment manager that provides application functions, services, and portfolio analysis based on requests from a user. The Office Action asserts that the disclosure in Lent of a web server communicating with a business logic server to implement various approval checking processes anticipates the risk assessment manager of claim 1. However, the web server disclosed in Lent simply requests and receives information from an applicant by communicating with the applicant's host system through the Internet. *See* col. 17, lines 13-16. After receiving the information, the web server communicates with a business logic server that implements the approval checking process. The web server then notifies the applicant of the results. *See* col. 17, line 15. The Office has not shown how the web server and business logic server disclosed in Lent provide application functions, services and portfolio analysis based on the requests of a user. The approval checking process disclosed in Lent is based on information received from credit bureaus and is not user-controlled.

- c. Lent fails to disclose or suggest a corporate linkage component that provides information to a risk assessment manager.**

The Office Action also contends that Lent discloses a corporate linkage component that provides information to a risk assessment manager. This contention is inconsistent with the disclosure of Lent and the usage of the term "corporate linkage" in the specification of the present application. According to the specification, corporate linkage "reveals the total risk exposure within a corporate entity" page 11, paragraph [0040]. By contrast, Lent discloses an Underwriter engine that that uses information obtained from one or more credit bureaus to make a decision whether to grant consumer credit to an applicant. Information from a credit bureau about an individual's credit history does not reveal the total risk exposure within a corporate entity, and so cannot be considered a corporate linkage component. Lent fails to disclose or suggest each element recited in claim 1. Consequently, claim 1 is patentable over Lent. Claims 2 through 4 depend from independent claim 1 and are patentable over Lent for at least the reasons outlined above regarding claim 1.

ii. Claim 5

Independent claim 5 recites a computer system for assessing risk, comprising a portfolio analysis component that analyzes a portfolio of customer accounts and provides a data product containing a financial profile based on the portfolio. The computer system includes a common decisioning component that automatically provides a credit decision based on the portfolio and user-defined rules and/or policies.

Lent fails to disclose or suggest each element of claim 5. Lent discloses a system enabling a real-time credit decision to be made based on information received from credit bureaus. Lent does not disclose or suggest providing a data product containing a financial profile. Lent likewise does not disclose or suggest a common decisioning component that automatically provides a credit decision based on the portfolio and user-defined rules and/or policies. The credit decision disclosed in Lent is based on attributes provided by a credit bureau in a credit report (col. 5, lines 16-37); it is not based on user-defined rules or policies. Thus, claim 5 is patentable over Lent.

iii. Claim 6

Claim 6 depends from independent claim 5 and is patentable over Lent for at least the reasons given above regarding claim 5. Claim 6 recites that the common decisioning component includes a setup component that receives the user-defined rules and/or policies. Lent does not disclose or suggest a setup component. Again, the credit decision disclosed in Lent is based on specific attributes provided by a credit bureau. Lent does not disclose or suggest allowing a user to define rules or policies, let alone a setup component for receiving such user-defined rules or policies. For this additional reason, claim 6 is patentable over Lent.

iv. Claim 7

Claim 7 also depends from independent claim 5 and is patentable over Lent for at least the reasons outlined above regarding claim 5. Claim 7 recites the computer system for assessing risk comprising a configuration console component that provides administrative

functions and security. The Office Action argues that receiving application data from an applicant (col. 3, lines 54-57) is an import function, and that sending parsed data to a credit bureau is an export function (col. 4, lines 20-23). However, these functions are performed by a web server, not provided by a configuration console. In addition, Lent does not disclose or suggest a console configuration component that provides security, and the Office Action has not provided any argument in regard to this element of claim 7. Because Lent fails to disclose or suggest each of the elements of the claim, claim 7 is patentable over Lent.

v. Claim 11

Independent claim 11 recites a machine-readable medium having instructions stored therein for performing a method of assessing risk. The method includes i) receiving customer account information, ii) creating a portfolio based on the customer account information by applying at least one of the following steps: entity matching, applying unique corporate identifiers, applying corporate linkage information, and applying predictive indicators, iii) providing a customer based analysis of the portfolio, iv) providing a risk score for at least one customer in the portfolio based on the customer based analysis, and v) providing an account profile for the at least one customer.

The Office Action asserts that, at col. 5, lines 30-33, Lent discloses providing a risk score for at least one customer in a portfolio based on a customer based analysis of the portfolio. However, Lent simply describes receiving a FICO score as one of the attributes of a credit report received from a credit bureau. Lent does not disclose or suggest that the FICO score is derived from an analysis performed by the system itself. Because Lent fails to disclose or suggest each element of claim 11, claim 11 is patentable over Lent.

vi. Claim 13

Claim 13 recites the method of claim 11 including providing days sales outstanding information for at least one customer in the portfolio. The Office Action argues that providing days sales outstanding information is anticipated by Lent at col. 5, lines 27-31,

which discloses “a 90 day attribute that indicates the number of times that the applicant has been more than 90 days late in payment of a debt.” Days sales outstanding information is defined as the average number of days to collect outstanding debt from customers, and is calculated by dividing the total amount owing by daily sales projections. *See* pages 11-12, paragraph [0043]. In other words, days sales outstanding is the number of days worth of sales currently owed a business. The 90 day attribute disclosed in Lent indicates only the number of times a credit applicant has been more than 90 days late in payment of a debt. The 90 day attribute of Lent applies only to an individual applicant, and does not take into account daily sales projections, which are necessary to calculate days sales outstanding. Accordingly, Lent does not disclose or suggest a method that includes providing days sales outstanding information for a customer in a portfolio. For this additional reason, Lent does not anticipate claim 13.

vii. Claim 14

Claim 14 recites the method of claim 11 wherein the account profile includes a financial statement. The Office Action asserts that Lent discloses an account profile including a financial statement at col. 5 lines 15-20. However, Lent merely discloses an application data structure “including a set of credit report objects.” Even allowing for the broadest reasonable interpretation, the term “financial statement” is a term of art in the financial services field and does not encompass the credit report objects disclosed by Lent. For this additional reason, claim 14 is patentable over Lent.

viii. Claims 15, 16, 18 through 21, and 23

Independent claim 15 recites a computer-implemented method of assessing risk, which includes enhancing data in a portfolio of customer accounts by a quality assurance process, receiving and enforcing at least one user-defined rule and/or at least one user-defined policy, providing automated credit decisioning for at least one customer based on the user-defined policy, providing days sales outstanding for at least one customer in a portfolio, and providing risk information for at least one customer in the portfolio.

Lent fails to disclose or suggest each element of claim 15. Lent discloses a system allowing a user to enter basic information such as name, address, and social security number and receive a real-time credit decision. However, the credit decision disclosed in Lent is made without human intervention; it is not based on a policy or rule defined by the user. Also, as indicated above in regard to claim 13, Lent also fails to disclose a system that provides days sales outstanding information. For at least these reasons, claim 15 is not anticipated by Lent. Claims 16 through 21, and 23 depend from independent claim 15 and are not anticipated by Lent for at least the reasons outlined above regarding claim 15.

ix. Claim 17

Claim 17 recites the method of claim 15 wherein the risk information includes a total risk exposure within a corporate entity associated with the at least one customer. Lent discloses a system and method for providing real-time credit approval to an individual applicant. Despite the assertions of the Office Action to the contrary, Lent does not even mention corporate entities, let alone providing risk information including a total risk exposure within a corporate entity. Claim 17 is therefore patentable over Lent.

B. Rejections under 35 U.S.C. §103(a) based on U.S. Patent No. 6,405,181 to Lent

To establish a prima facie case of obviousness under §103, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art references when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

i. Claims 8 through 10

Lent does not render claims 8 through 10 obvious. Claim 8 recites the system according to claim 5, further comprising a country logic component that determines a base language and a base currency for a customer in a portfolio. Claim 9 recites the system of claim 5 further comprising a database access component that retrieves country-specific data from a plurality of systems. Claim 10 recites the system of claim 9 wherein the plurality of systems are selected from the group consisting of the European Office System, Canada Bilingual Office System, United States Advanced Office Systems, Nordic, and Asian Pacific Latin America.

Claims 8 through 10 are not rendered obvious by Lent. To establish a prima facie case of obviousness, the prior art reference must teach or suggest all of the elements of the claim. This basic criteria for establishing obviousness has not been met regarding claims 8 through 10. The Office Action acknowledges that Lent does not disclose a country logic component as recited in claim 8, or a database access component as recited in claims 9 and 10. However, the Office Action indicates that “determining a base language and a base currency for [a] customer and retrieving country specific data from such a plurality of system[s] above are well known in the art.” Reliance on common knowledge in the art without citing a prior art reference is only appropriate where the facts asserted to be well known are capable of instant and unquestionable demonstration as being well known. *See In re Ahlert*, 165 USPQ 418,420 (CCPA, 1970). Specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *See In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21. The country logic component of claim 9 and the database access component of claims 9 and 10 is not capable of instant and unquestionable demonstration as being well known. It is never appropriate to rely solely on “common knowledge” in the art without evidentiary support in the record, as the principal evidence upon which a rejection is based. MPEP 2144.03. Applicants respectfully traverse the reliance on common knowledge in the art and request that the rejection be withdrawn.

C. Rejections under 35 U.S.C. §103(a) based on U.S. Patent No. 6,405,181 to Lent in view of U.S. Patent No. 6,847,942 to Land.

i. Claim 12

Claim 12 depends from independent claim 11. Lent and Land, either alone, or in combination, fail to disclose or suggest each element of claim 12. Neither Lent nor Land discloses providing a risk score for at least one customer in a portfolio based on a customer based analysis. Lent describes receiving a FICO score as one of the attributes of a credit report received from a credit bureau, but does not disclose or suggest that the FICO score is derived from an analysis performed by the system itself. Similarly, Land discloses an Accounts Receivable System that accesses information such as a Dun & Bradstreet rating and risk score, but does not disclose or suggest that the risk score is derived from an analysis performed by the Accounts Receivable System. Because Lent and Land, alone or in combination, fail to disclose or suggest each element of claim 12, claim 12 is patentable over the combination of Lent and Land.

ii. Claims 22 and 24

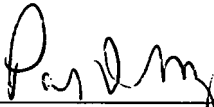
Claim 22 and 24 depend from independent claim 15. Lent fails to disclose or suggest each element of claims 22 and 24. For example, Lent fails to disclose or suggest a system that provides days sales outstanding information. Again, days sales outstanding information is defined as the average number of days to collect outstanding debt from customers, and is calculated by dividing the total amount owing by daily sales projections. Pages 11-12, paragraph 43. Lent does not disclose a system that provides this information. Land fails to correct the deficiencies of Lent. Although the Accounts Receivable System disclosed in Land provides specific information regarding a given customer, *See* col. 13, lines 33-46, days sales outstanding information is not included. Lent and Land, either individually or in combination, do not disclose or suggest each element of claims 22 and 24. Claims 22 and 24 are therefore patentable over Lent and Land.

IX. Summary

Accordingly, Applicants respectfully request that the Board of Appeals reverse the final rejection of claims 1 through 24, thereby enabling all of the pending claims to be allowed.

Respectfully submitted,

June 4, 2007



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CLAIMS APPENDIX

1. A system for assessing risk, comprising:
 - a user interface to receive requests and customer account information to be stored in a portfolio in a first database;
 - a risk assessment manager that provides application functions, services and portfolio analysis based on said requests;
 - a data integration component that provides access to at least a second database; and
 - a corporate linkage component that provides information to said risk assessment manager for use by said risk assessment manager in determining a total risk exposure based on said portfolio.
2. The system according to claim 1, wherein said risk assessment manager comprises:
 - a scoring component that provides a risk score based on said portfolio.
3. The system according to claim 1, wherein said risk assessment manager comprises:
 - a transfer component to import and export data to and from said first database.
4. The system according to claim 1, where said data integration component enhances said customer account information, provides entity matching for said customer account information, and/or provides data products.
5. A computer system for assessing risk, comprising:

a portfolio analysis component that analyzes a portfolio of customer accounts and provides a data product containing a financial profile based on said portfolio; and a common decisioning component that automatically provides a credit decision based on said portfolio and user-defined rules and/or policies.

6. The system according to claim 5, wherein said common decisioning component comprises:

a setup component that receives said user-defined rules and/or policies.

7. The system according to claim 5, further comprising:

a configuration console component that provides administrative functions and security;

wherein said administrative functions include an import function, an export function, and/or a score calculating function.

8. The system according to claim 5, further comprising:

a country logic component that determines a base language and a base currency for said customer in said portfolio.

9. The system according to claim 5, further comprising:

a database access component that retrieves country-specific data from a plurality of systems.

10. The system according to claim 9, wherein said plurality of systems are selected from the group consisting of: European Office System, Canada Bilingual Office System, United States Advanced Office Systems, Nordic, and Asian Pacific Latin America.

11. A machine-readable medium having instructions stored therein for performing a method of assessing risk, said method comprising:

receiving customer account information;

creating a portfolio based on said customer account information by applying at least

one step selected from the group consisting of: entity matching, applying unique

corporate identifiers, applying corporate linkage information, and applying

predictive indicators;

providing a customer based analysis of said portfolio;

providing a risk score for at least one customer in said portfolio based on said

customer based analysis; and

providing an account profile for said at least one customer.

12. The machine-readable medium according to claim 11, said method further comprising:

providing financial data about said portfolio in a selected currency.

13. The machine-readable medium according to claim 11, said method further comprising:

providing days sales outstanding information for said at least one customer in said

portfolio.

14. The machine-readable medium according to claim 11, wherein said account profile includes a financial statement.

15. A computer-implemented method of assessing risk, which comprises:

enhancing data in a portfolio of customer accounts by a quality assurance process;

receiving and enforcing at least one user-defined rule and/or at least one user-defined policy;

providing automated credit decisioning for at least one customer based on said at least one user-defined rule and/or said at least one user-defined policy;

providing days sales outstanding for said at least one customer in said portfolio; and

providing risk information for said at least one customer in said portfolio.

16. The method according to claim 15, further comprising:

segmenting said portfolio by a selected variable to uncover risks and opportunities in said portfolio.

17. The method according to claim 15, wherein said risk information includes a total risk exposure within a corporate entity associated with said at least one customer.

18. The method according to claim 15, wherein said quality assurance process includes at least one step selected from the group consisting of: entity matching, applying unique corporate identifiers, applying corporate linkage information, and/or applying predictive indicators.

19. The method according to claim 15, further comprising:
providing a financial profile of said at least one customer in said portfolio.
20. The method according to claim 19, wherein said financial profile includes how said at least one customer pays other companies.
21. The method according to claim 19, wherein said financial profile includes a financial statement for said at least one customer.
22. The method according to claim 19, further comprising:
receiving a change in a financial statement for said at least one customer; and
assessing a risk change in said portfolio based on said change in said financial policy according to said at least one user-defined rule and at least one user-defined policy.
23. The method according to claim 15, wherein said policy is selected from the group consisting of: a credit limit policy, a score policy, an exception policy, a collection policy, a selling term policy, and a financial selection policy.
24. The method according to claim 15, further comprising:
providing a currency conversion feature;

providing a local currency for said at least one customer in said portfolio; and
assigning a default currency for said at least one customer in said portfolio.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.